

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GUANGZHOU YONGJIA GARMENT
MANUFACTURING CO. LTD.,

Plaintiff,

-against-

ZOOMERS INC.,

Defendant.

ORDER
19-CV-2759 (NGG) (LB)

NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Guangzhou Yongjia Garment Manufacturing Co. Ltd. (“Yongjia”), a manufacturer of apparel products, brought this action against Defendant Zoomers Inc. (“Zoomers”), which sells apparel products, seeking payment of an outstanding balance of \$151,925.12 for products that Yongjia allegedly sold and delivered to Zoomers in 2015. (Compl. (Dkt. 1) ¶¶ 3, 7-12.) Pending before the court is Yongjia’s motion for default judgment, which the court referred to Magistrate Judge Lois Bloom for a Report and Recommendation (“R&R”). (See Mot. for Default J. (Dkt. 10); June 15, 2020 Order Referring Mot.) Judge Bloom issued the annexed R&R on August 27, 2020, recommending that the court decline to rule on Plaintiff’s motion for default judgment, dismiss Plaintiff’s complaint without prejudice for failure to adequately plead subject matter jurisdiction, and grant Plaintiff leave to file an amended complaint within thirty days of the adoption of the R&R. (R&R (Dkt. 11) at 12.)

No party has objected to Judge Bloom’s R&R, and the time to do so has passed. See Fed. R. of Civ. P. 72(b)(2). Therefore, the court reviews the R&R for clear error. See *Gesualdi v. Mack Excavation & Trailer Serv., Inc.*, No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). Having found none, the court ADOPTS the R&R in full, DISMISSES Plaintiff’s complaint without prejudice, and GRANTS Plaintiff leave to file an amended complaint, with service on Defendant, by October 16, 2020.

SO ORDERED.

Dated: Brooklyn, New York
September 17, 2020

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge